IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1035 OF 2000

Mahadeo Sangappa Karajangi
and eight others Petitioners

versus

The State of Maharashtra & anr. Respondents

Ms.Ameeta Kuttikrishnan i/by Mrs.S.D.Khot for petitioners.

Mr.S.S.Tatkare, APP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd November 2005

PC :

1. By this petition under Article 227 of the Constitution of India R/W Section 482 of Code of Criminal Procedure, the petitioners seek quashing and setting aside an order issuing process passed by the learned JMFC, Jath, District Sangli in RCC No.21/2000 arising out of C.R.No.16/1999.

2. On this application, although notice has been directed by this Court to be issued and service is complete, none appears for the contesting respondents. Learned APP is representing the

State.

3. With the assistance of learned counsel Ms.Kuttikrishnan appearing for the petitioners, I have perused the petition and the annexures thereto. Despite her best and pursuasive efforts I am unable to uphold her contention that the complaint does not disclose even prima facie commission of any criminal offence muchless the offence as alleged. In the light of the fact that the petitioner does not challenge the pending prosecution on the ground that it is an abuse of process of the Court or that the same be quashed to otherwise secure ends of justice, this is not a fit case to interfere with the order issuing process.

4. However, I am informed that the trial is still pending. Although this Court has not stayed further proceedings, the matter is not concluded by the Trial Court.

5. In the light of the fact that the petitioners before me have been arrayed as accused and the matter is pending for considerable length of time, the concerned Magistrate is directed to dispose of the case as expeditiously as possible

and in any event within a period of six months. All contentions are expressly kept open and it will be for the learned Magistrate to decide the same in accordance with law uninfluenced by disinclination of this Court to interfere with the order issuing process.

(S.C.DHARMADHIKARI, J.)